



PLANNING COMMISSION

January 27, 2022 5:30pm
1100 Frederick Avenue
Third Floor, Council Chambers, City Hall
Regular Meeting

-
- **Call to order**
 - **Certified copies of chapters 11, 26, & 31 are available**
 - **Roll call**
 - **Approval of minutes of regular meeting**
 - **Postponements/adjustments to the agenda**
-

RULES OF CONDUCT ADOPTED BY COMMISSION

- Give your name and complete address.
- No one may speak more than once on the same item.
- No one may speak more than five minutes at a time without permission from the Chairperson.
- No one may speak a second time on an item until every person who wants to speak has done so.
- All submissions of evidence, i.e., photos, drawings, etc., will be retained by the Commission and will become a part of the permanent file.

Please speak clearly and adjust microphone if needed.

It is the intention of the City of St. Joseph to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the City will attempt to accommodate you in every reasonable manner. Please contact the ADA Coordinator (816-271-4610/TDD# 816-271-4898) at least two (2) business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

PLANNING COMMISSION

January 27, 2022 5:30pm
1100 Frederick Avenue
Third Floor, Council Chambers, City Hall
Regular Meeting

OLD BUSINESS

NEW BUSINESS

- **Approval of minutes**
- **ITEM #1 Election of Officers**
- **ITEM #2 Zoning District Change** – A request for approval of a change of zoning from R-4 Apartment Residential District to C-3 Commercial District for property located at 1910 Howard as requested by Marty Lyle.
Zoning District Changes move on to City Council
Staff recommendation: approval
- **ITEM #3 Discussion on amending Chapter 31** in regard to formatting, definitions, regulations for existing zoning districts as well as addressing inconsistencies and outdated material for the purpose of consolidating, clarifying, and streamlining existing zoning information, regulations and procedures.

PUBLIC COMMENT

AGENDA ITEM #1
STAFF REPORT TO PLANNING COMMISSION
JANUARY 27, 2022

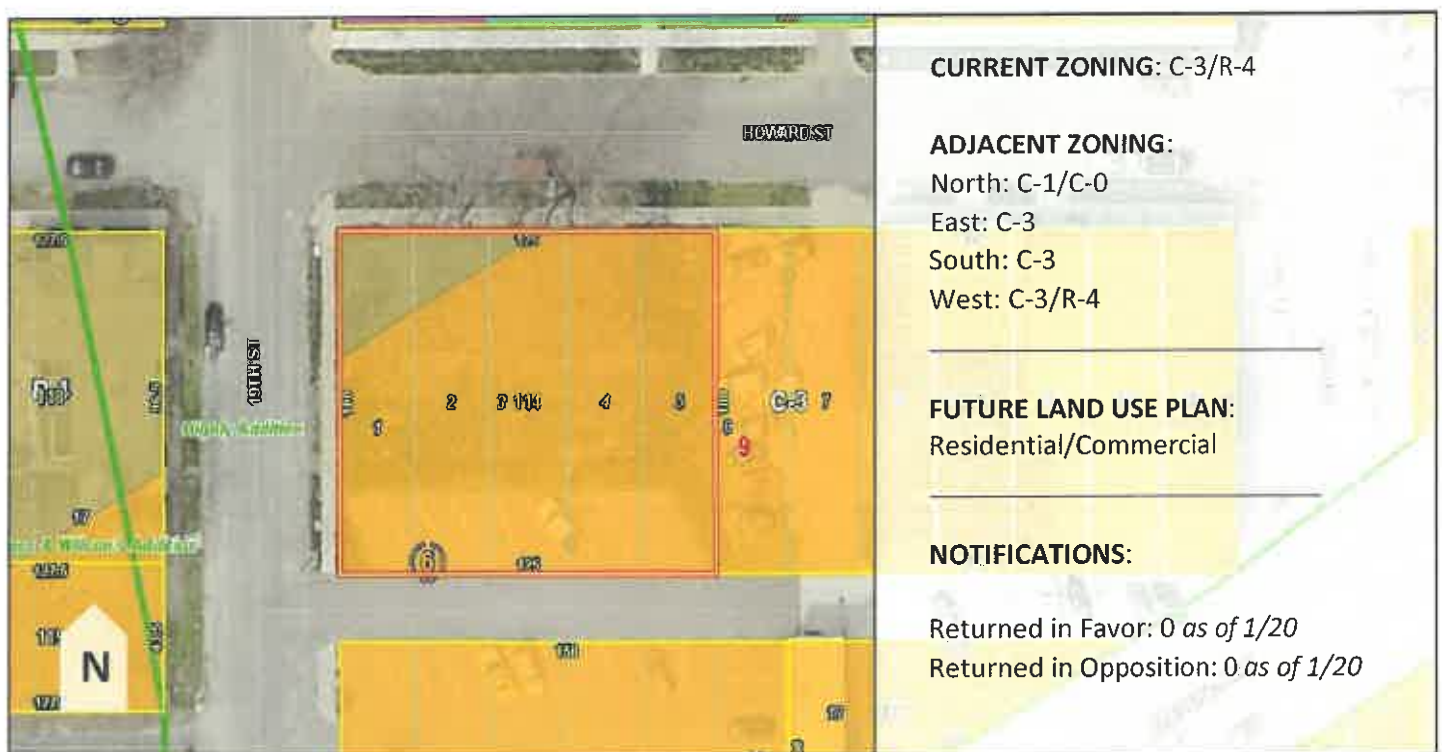


Application	Application for a zoning district change from R-4, Apartment Residential to C-3, Commercial for the property at the below address
Applicant	Marty Lyle
Location	1910 Howard Street
Staff Recommendation	APPROVAL

BACKGROUND

The applicant is seeking the rezoning of the property for the purposes of bringing the property, which is currently largely zoned as and in use as, a commercial property, into compliance with the zoning code. The parcel is currently partially covered with a parking lot that is associated with the commercial properties to the south along Frederick Avenue, and the vast majority of the property being vacant land. Similar to properties along the Belt, this would be an example of a zoning district being planned along a major thoroughfare (Frederick) without consideration for the existing streets network. The existing R-4 is approximately 1,200 square feet of the total 12,500 square feet. Far too small to have any multi-family development. The request would bring this property into a uniform zoning district and correct an error on the zoning map.

OVERVIEW



ATTACHMENTS INCLUDED:

- Application & supporting documents provided by applicant.
 - Letter to adjacent property owners.
-

FACTORS FOR CONSIDERATION:

1. Conformance with adopted plans and planning policies.

Staff finds that the requested zoning district change is in keeping with adopted plans and planning policies, specifically the Future Land Use Plan designates this area as residential and commercial.

2. Zoning and use of nearby property.

The immediately surrounding areas are zoned a mixture of C-3, Commercial, C-1, Neighborhood Commercial, R-4, Apartment Residential and C-0, Office Commercial. The uses of the surrounding properties reflect this zoning, with a mix of commercial and residential uses located around the property. The use of this particular property is tied into the commercial businesses immediately south and east of the parcel. While mostly undeveloped, it is also mostly zoned commercial which is an appropriate designation for the area.

3. Whether public facilities (infrastructure) and services will be adequate to serve development allowed in the requested zoning district change.

Existing public facilities and services would be adequate for the requested zoning.

4. Whether traffic levels are inappropriate, hazardous, or detrimental to existing or potential nearby land uses.

Staff did not find that traffic levels would be significantly impacted by this request.

5. Length of time the subject property has remained vacant as currently zoned.

The property is not currently vacant in the southernmost part along the City alley right-of-way, which has a row of parking spots. Other than this strip, the property is undeveloped but maintained.

AGENDA ITEM #1

STAFF REVIEW & RECOMMENDATION

Staff recommends **APPROVAL** based on the above and following findings:

- Request in keeping with City's current Future Land Use Map:
- Proposed rezoning is not detrimental to public's health, safety, or welfare:
- Proposed rezoning would bring the property into a uniform zoning district and bring the property into compliance with the City's zoning ordinance.

Staff: _____



Zack Martin

City Planner

(816) 271-4648

zmartin@stjoemo.org



ZONING DISTRICT CHANGE APPLICATION

City of St. Joseph, Missouri | Planning & Zoning

1100 Frederick Avenue, Room 107

Zack Martin, City Planner | (816) 271-4648 | zmartin@stjoemo.org

All applications for a zoning district change in the City must comply with Chapter 31 of the City's Code of Ordinances, located online at stjoemo.info. The following must be included with every application:

1. Completed Application
2. Written statement of purpose for the proposed zoning change in separate document & legal description of property
3. Any additional supporting materials
4. Application fee (\$1,365)
5. Planned Unit and Planned Developments must also provide materials on PUD/PD list

THE UNDERSIGNED HEREBY APPLIES FOR THE APPROVAL OF SAID ZONING DISTRICT CHANGE BY THE CITY OF ST. JOSEPH IN BELIEF THAT THE PLAN CONFORMS TO CHAPTER 31 OF THE CODE OF ORDINANCES. With the signing and submittal of this application, the property owner authorizes the City of St. Joseph to enter onto the subject property to collect data and other information in order to accurately prepare reports or other documentation for review by the City Council, City boards and commissions, and City departments.

Proposed ZDC Location

Street 1910 Howard Street
City, State, Zip St Joseph MO 64501
Requested Zoning District C-3

Applicant Information

Name Top Hand Holdings, LLC Primary Contact ☒ Yes ☐ No
Street 1901 Frederick Avenue Property Owner ☒ Yes ☐ No
City, State, Zip St Joseph MO 64501
Phone (816) 232 4392 | Email mlyle@tophandprop.com

Signature [Signature] Date 12-1-21

Representative Contact Information (Not Required if as Applicant)

Name _____ Primary Contact ☐ Yes ☐ No
Business Name _____
Street _____
City, State, Zip _____
Phone (_____) _____ | Email _____

Signature _____ Date _____

Planning Commission hearings, unless otherwise stated or posted, are held on the last Thursday of each month at 5:30pm in the City Council Chambers on the 3rd floor of City Hall (1100 Frederick Avenue). Submittal deadlines are the last Friday the month prior. Commission recommendations are forwarded onto City Council for final approval.

Section to be completed by City

Received By JM Date 12/21 Current Zoning C-3/R-4
Accela ID P222-00035 Total (\$) \$1,365

12-1-21

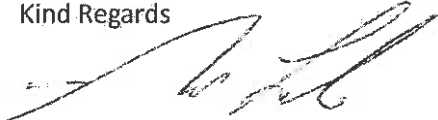
City of St Joseph, MO
Planning and Zoning
1100 Frederick Avenue, Room 107
St Joseph, MO 64501

REFERENCE: ZONING DISTRICT CHANGE APPLICATION 1910 HOWARD STREET, ST JOSEPH, MO 64501

To Whom it May Concern:

We would like to make application for the change of zoning on the property commonly known as 1910 Howard Street, St Joseph, MO 64501. More particularly, there is a small corner of lots 1, 2 and 3 in SUB:HIGHLEY'S LOT:1 BLK:6 LGL DESC:L 1-5 that is showing as R-4, and the remaining portion of this is C-3. We are asking that the city approve the change of this to C-3 for the entire parcel. There is no way the aforementioned area zoned R-4 could hold a multifamily property and this change would bring this parcel back into compliance.

Kind Regards

A handwritten signature in black ink, appearing to read 'Marty J Lyle', written over a horizontal line.

Marty J Lyle
Top Hand Holdings, LLC

[illegible]



NOTICE OF PUBLIC HEARING

City of St. Joseph, Missouri | Planning & Zoning
1100 Frederick Avenue, Room 107
(816) 271-4648 | zmartin@stjosephmo.gov

January 3, 2022

VIA CERTIFIED MAIL

Applicant: Marty Lyle
Location: 1910 Howard Street
Regarding: Request for Rezoning from R-4, Apartment Residential District to C-3, Commercial District

DEAR ADJACENT PROPERTY OWNER

The Planning Commission will conduct a public hearing in the Council Chamber, Third Floor, City Hall, at 5:30 p.m. on January 27, 2022, on this request. A recommendation from the Planning Commission will be forwarded to the City Council for final action. The date of the City Council meeting can be obtained by contacting the City Clerk's office at (816) 271-4730 after the Planning Commission meeting.

This request is to re-zone the property located at 1910 Howard Street. The reason for this request is to address a small zoning incongruity on the property that has led to one corner of the property being zoned for residential use, while the property is overall commercial in nature. This zoning request would bring the entirety of the property into one zoning district and conformance.

All interested citizens are invited to attend this public hearing; however, we are making a special effort to notify property owners within 185 ft. That is why you have received this certified letter.

A comment form is enclosed with this letter for those who would like to express concerns or support for the request. Written comments to be included in the Planning Commission packet should be filed with the Department of Planning & Community Development, Room 107, City Hall, by January 14, 2022. Written or verbal comments received after this date may be given during the public hearing.

Sincerely,

A handwritten signature in blue ink, appearing to be "ZM" or "Zack Martin".

Zack Martin
City Planner

It is the intention of the City of St. Joseph to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the ADA Coordinator, 816-271-4610, or TDD# 816-271-4898 at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

COMMENTS IN REFERENCE TO PROPOSED ZONING DISTRICT CHANGE

To the City of St. Joseph, Missouri:

The undersigned state that the facts as entered herein are true to the best of their knowledge and belief, wish to comment on the following application of a zoning district change and ask the Planning Commission to vote ☐ **FOR** ☐ **AGAINST** said request.

Address of the proposed subdivision:

1910 Howard

Name, address & phone of party filing comment (Please print): _____
(Name)

(Address) (Phone)

If you own property in the neighborhood of the proposed subdivision, but do not live at that property, please give address of that property: _____

Legal description of land owned relating to request: _____

Reason(s) for concern or support to the request: _____

OWNERS OF RECORD MUST SIGN:

Signature _____

Address: _____

NOTE: To be a valid protest, signatures must be notarized. Comments in favor need not be notarized.

Subscribed and sworn to before me this _____ day of _____, 20____.

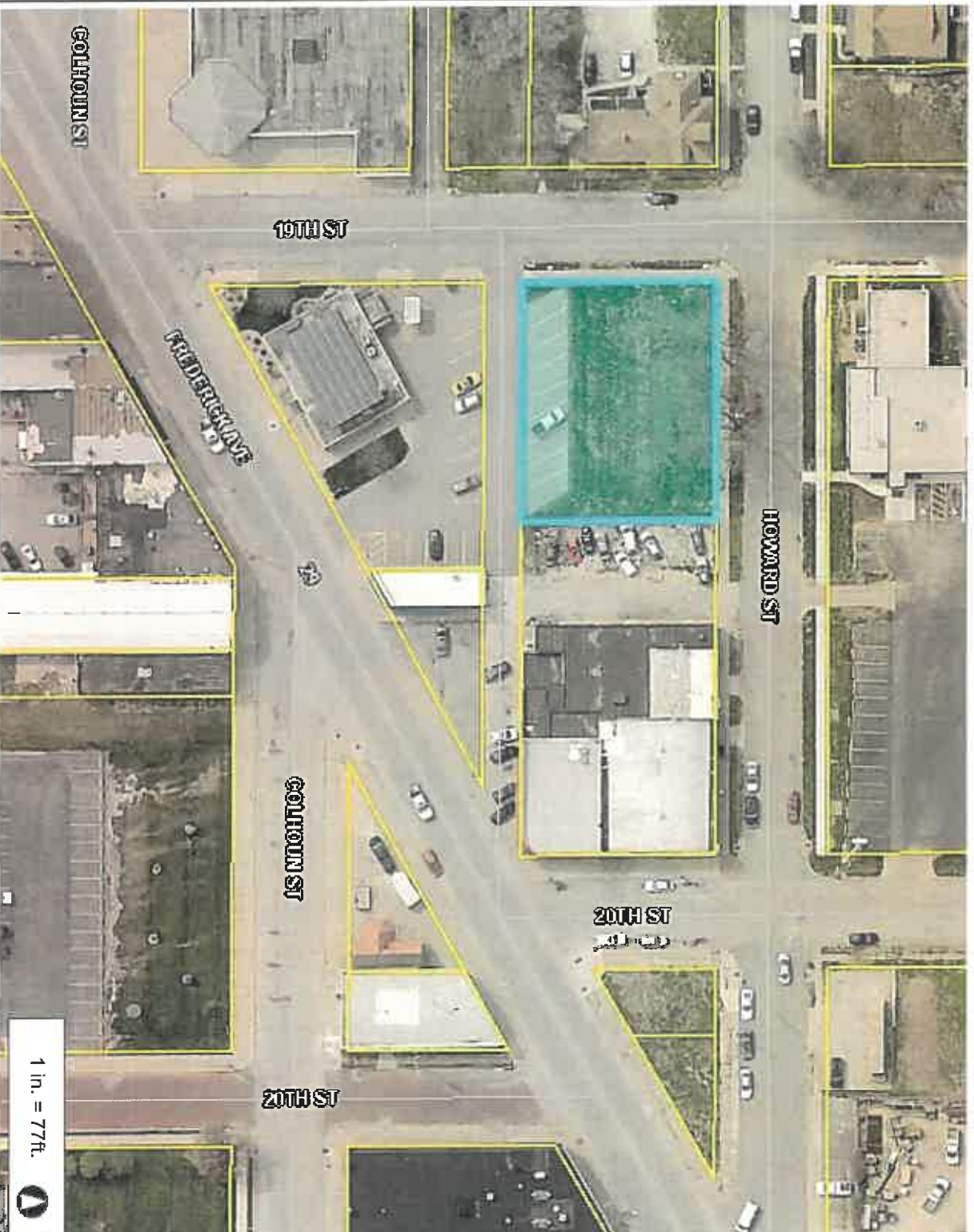
Notary Public _____

My commission expires _____

OFFICE USE Within 185 ft. of petitioned property Not within 185 ft. of petitioned property

NOTE: A Notary Public is available at City Hall at no charge

1910 Howard

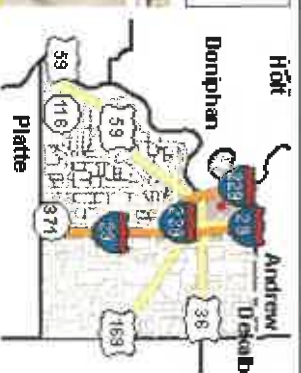


1 in. = 77ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Road
 - <all other values>
- Interstate
- State Highway I
- State Highway N
- U.S. Highway
- Railroad
- Parcel

Notes

ITEM	Discussion on amending Chapter 31 in regard to formatting, definitions, and regulations for existing zoning districts as well as addressing inconsistencies and outdated material for the purpose of consolidating, clarifying, and streamlining existing zoning information, regulations, and procedures.
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BACKGROUND

The City's zoning code has been periodically updated since its adoption, with major additions such as the R-1SH, Small Home Residential zoning district, the Telecommunications section, and Alternative Energy section. However, many of these amendments have been done in silos, without full consideration of how they would interact with the existing code. Additionally, the existing code has not been dramatically altered in terms of format since the early 1990s, when the current two-column PDF document was adopted. Within the code, there are a number of conflicting regulations and uses, outdated terminology, overly specific uses and limitations, lack of graphics or context, and other issues that make the document unwieldy and difficult for staff to implement consistently and is difficult for residents to parse and understand. Proposed amendments would address immediate issues such as updating definitions and consolidating uses, etc., however, in the long-term, it is generally seen that a full code rewrite would be the best course of action. Staff's proposed amendments are limited to Article I, Divisions 1-2, and the Zoning Appendix at this time, due to the large size of the document and the number of changes that would be beneficial.

OVERVIEW

Staff has been working to review and identify major issues that can be addressed within the existing code to help bring a higher level of functionality. This has resulted in several proposed amendments to numerous sections of Chapter 31. Staff's ultimate finding is that a full code rewrite would be the most beneficial course of action, though that takes considerable amounts of time and does not work to address present issues. The proposed amendments discussed within are to address existing issues and to bring the code as it currently is to a higher level of functionality and usability, with the acknowledgement that a major code rewrite would be done in the future.

Staff is proposing amendments for the following sections of Chapter 31 (summarized):

- **Sec. 31-002 Districts:** Staff is recommending amending this section to include the two precise plans not currently listed in the section, being P-11, The Uptown Development Precise Plan, and P-12, The Riverfront Precise Plan. These plans have both been adopted by the City but are not reflected in the contents of the Chapter.
- **Sec. 31-010 Definitions:** Staff is recommending amending this section to address inconsistencies, gaps, and redundancies. This would include the removal of terms that are otherwise not mentioned in Chapter 31 (in permitted or conditional uses) or are being recommended that they are consolidated with other uses. Staff is also recommending the addition or expansion of uses to the definitions to address modern uses that have not been included in the code prior; existing uses that had not been outlined prior;

AGENDA ITEM #2

clarification of existing uses; or to reflect terminology that is in common usage in regarding to day-to-day planning and zoning procedures.

- **Division II; Sec. 31-015-035 District Regulations:** Staff is recommending amending these sections (district regulations for the lettered zoning districts within the City) to address ease of use in determining permitted, conditionally permitted, or non-permitted uses, as well as updating development standards for certain districts. Specifically:
 - Removal of listed permitted and conditionally permitted uses within districts, replacing with references to new proposed district use table (**Sec. 31-048**). This includes a section for “use limitations” (**Sec. 31-049**) that was previously buried within the listed uses text.
 - Addition of “contextual setbacks”. This addition acknowledges the historic nature of many of St. Joseph’s neighborhoods and a greater flexibility when building infill development.
 - Addition of appearance standards within commercial districts; addressing style and scale of developments.
- **Sec. 31-048 District Use Table:** Staff is recommending the utilization of this reserved section of Chapter 31 for which to insert a new graphic District Use Table. This table would serve as the reference for permitted, conditionally permitted, and not permitted uses within the City, as opposed to the existing listed uses within each district. This would greatly clear up the conflicts and redundancies within the zoning code as it is currently written. In the creation of this table, staff:
 - Removed redundant, outdated, or inappropriate uses, such as “asylums” or removal of uses that otherwise not mentioned in the code such as “lodging house”.
 - Consolidated some uses such as various types of commercial uses into one category where they were otherwise already permitted or conditionally permitted within the same districts.
 - Addition of some new uses such as “micromanufacturing” and “community gardens” to reflect some uses that are areas of growth and opportunity for the city.

In general, staff has not proposed removing already permitted uses (or conditionally permitted) from zoning districts, rather consolidation and clarification.
- **Sec. 31-049 Use Limitations:** Staff is recommending the utilization of this reserved section of Chapter 31 for which to insert a section for Use Limitations. These regulations were the specific use regulations listed in each use (where applicable) in each zoning district. These limitations are referenced in the District Use Table, allowing a reader to quickly reference the pertinent limitation. For the purposes of these initial recommendations, staff has not proposed changes to the limitations themselves, just the format in which they are organized and presented.
- **Appendix:** Staff is recommending a completely new appendix be created that can be uploaded as part of the overall chapter. At this time, the appendix is a separate PDF document that many users are not aware of and assume that the zoning chapter is simply missing information. This new appendix would be combined and uploaded with the amended PDF code to be easily referenced within the entire document.
- **Other:** Staff is continuously reviewing all sections of the code for proposed amendments and plans to bring additional amendments before the City in the coming months.

AGENDA ITEM #2

STAFF REVIEW & RECOMMENDATION

Staff: _____



Zack Martin

City Planner

(816) 271-4648

zmartin@stjoemo.org

AFFIDAVIT OF PUBLICATION
NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502

Reference: 12290
Ad ID: 6703811

P.O. : DESC : Planning Comm Meeting - 1 Item 1/27/22

REBECCA SHIPP
CITY OF SJ PLANNING COMM
1100 FREDERICK AVE, RM 107
ST. JOSEPH, MO 64501-2337

County of Buchanan
State of Missouri

I, Sandra Ridings, being duly sworn according to law, state that I am the Legal Advertising Coordinator of the St. Joseph News-Press, a six day a week newspaper of general circulation in the county of Buchanan, where located; which has been admitted to the Post Office as second class matter in the city of St. Joseph, the city of publication; where newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050 Revised Statutes of Missouri, 1949. The affixed notice appeared in said newspaper on the following date:

Run Dates: 01/07/22 to 01/07/22
Appearances: 1
AD SPACE: 53
TOTAL COST: \$235.25

(Signed) 

Subscribed and sworn before me this
30th day of January 2022
Barbara A. Supple Notary Public

(Published in the St. Joseph
News-Press Fri. 1/07/22)

NOTICE OF PUBLIC HEARING

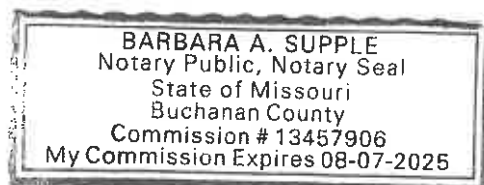
Notice is hereby given to all citizens of the City of St. Joseph, Missouri, that a meeting of the Planning Commission of the City of St. Joseph, Missouri, will be held on the 27th day of January, 2022 at 5:30 p.m. in the Council Chamber of City Hall wherein the Commission will conduct a public hearing for the following items and at which time all interested persons will be heard:

- A request for approval of a change of zoning from R-4, Apartment Residential District to C-3, Commercial District for property located at 1910 Howard as requested by Marty Lyle.

Questions about the above referenced items should be directed to Zack Martin, City Planner at (816) 271-4648.

/s/

Reba Kendall, Chairman
Planning Commission



MINUTES
PLANNING COMMISSION
December 16, 2021
5:30 P.M. Regular Meeting
Council Chambers – City Hall

	<u>Name</u>	<u>Members' Term Attendance</u> (mtgs. attended-mtgs absent)	<u>End of Current Term of Office</u>
MEMBERS PRESENT:	Bob Bucher	(34-04)	06/15/23
	Houston Roberts	(05-00)	08/04/24
	Donna Jean Boyer	(41-03)	07/22/23
	Reba Kendall	(65-08)	01/29/22
	Tim Doyle	(17-06)	12/14/24
	Josh Knight	(11-04)	08/05/23
	Allison Tschannen	(17-11)	07/15/24
MEMBERS ABSENT:	Ben Burtnett	(33-10)	02/12/23
	Lauren Catron	(33-18)	07/17/22
STAFF PRESENT:	Zack Martin, City Planner		
	Ted Elo, Assistant City Attorney		
	Brady McKinley, Public Works Assistant Director		
	Rebecca Shipp, Executive Administrative Assistance		

Call to Order –Kendall called the meeting to order at 5:30pm.

ROLL CALL: Roberts-present, Tschannen-present, Catron-absent, Burtnett-absent, Bucher-present, Doyle-present, Knight-present, Kendall-present Boyer-absent. Quorum is present. Five members constitute a quorum.

Kendall entered Chapters 11, 26 and 31 of the Code of Ordinances into evidence. Kendall read the rules of conduct.

Boyer joined the meeting.

Martin informed Commission there were no adjustments or postponements to the agenda.

Doyle made a motion to approve the minutes of the November 18, 2021 meeting. Roberts seconded.

VOTE: Roberts-yes, Tschannen – yes, Bucher-yes, Doyle – yes, Knight – yes, Kendall – yes, Boyer – yes.

Ayes – 7, Nays – 0, Abstain – 0 Minutes approved.

OLD BUSINESS

None

NEW BUSINESS

ITEM #1 Major Subdivision – A request for approval of a preliminary plat for a major subdivision entitled Easton Industrial Subdivision located at 5101 and 5001 Easton Road, as requested by Todd Morris on behalf of Crete Homes LLC.

Major subdivisions are forwarded to the City Council.

Staff recommendation: approval

Martin gave the staff report.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Roberts made a motion to approve the item. Boyer seconded.

VOTE: Roberts-yes, Tschannen – yes, Bucher-yes, Doyle – yes, Knight – yes, Kendall – yes, Boyer – yes.

Ayes – 7, Nays – 0, Abstain – Motion approved.

ITEM #2 Authorization to enter into a Subdivision Improvement Agreement - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Easton Industrial Subdivision as provided in Section 26-71(a).

Approved or denied by the Planning Commission

Staff recommendation: approval

Martin gave the staff report.

No discussion was held between commissioners and staff regarding the item.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Boyer made a motion to approve the item. Knight seconded.

VOTE: Roberts-yes, Tschannen – yes, Bucher-yes, Doyle – yes, Knight – yes, Kendall – yes, Boyer – yes.

Ayes – 7, Nays – 0, Abstain – Motion approved.

Martin gave a preview of items on January's agenda.

The meeting adjourned at 5:41 pm.

Minutes respectfully submitted,

Rebecca Shipp

cc: Paula Heyde, City Clerk
Planning Commission Members
Bryan Carter, City Manager
Clint Thompson, Planning & CD Director
Ted Elo, Assistant City Attorney
Brady McKinley, Public Works Assistant Director
Mark Townsend, Technology Associate Director